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By: *Lewis J. Kreisler*  
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Date: 12-7-04

PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Inventor(s):	Robert M. Lorence, et al.	Atty. Ref	18029
Appl. No.:	10/700,143	Group Art Unit:	1614
Filed:	November 3, 2003	Examiner:	
Conf. No.:	3847	Customer No.:	31976
Title:	TREATING CARCINOID NEOPLASMS WITH THERAPEUTIC VIRUSES		

\* \* \* \* \*

December 7, 2004

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**

Pursuant to 37 CFR 1.56 and 1.97, the attention of the Examiner is directed to the following:

Claims 332, 337-339, 343, 348, 350 and 355 in copending U.S. Application No. 08/260,536 (the '536 application) have been provisionally rejected for alleged obviousness-type double patenting over claims 1-8, 13 and 16-18 of the subject application. Moreover, certain claims in the '536 application have been provisionally rejected for alleged obviousness-type double patenting over each of U.S. Application No. 09/958,809 (the '809 application), No. 10/167,652 (US PG PUB No. 2003/0165465), and No. 10/044,955 (US PG PUB No. 20030044384). In each case the

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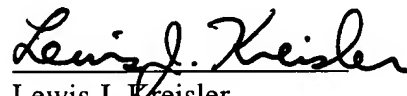
reason for the double patenting rejection is said to be that the allegedly conflicting claims "are not patentably distinct from each other because both claimed invention[s] are directed to method of treating cancer with Newcastle Disease Virus." (April 16, 2004 Office Action in the '536 application, pages 6-7).

A copy of the allegedly conflicting claims from the '536 application is enclosed. A copy of the pending claims in the '809 application is enclosed. One copy of each of the '652 application and the '955 application, each as published, is enclosed. Also enclosed is a Form PTO-1449 listing the '652 application and the '955 application, as published.

This Statement is being filed prior to the mailing of a first Office Action on the merits.  
Consideration of this Statement is respectfully requested. 37 CFR 1.97(b)(3).

It is believed that no fee is required in connection with the filing of this Statement. If any fee is required, the Commissioner is hereby authorized to charge the amount of such fee to Deposit Account No. 50-1677.

Respectfully submitted,



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CLAIMS IN APPLICATION NO. 08/260,536 PROVISIONALLY REJECTED FOR  
ALLEGED OBVIOUSNESS-TYPE DOUBLE PATENTING OVER SUBJECT APPLICATION

332. A method of treating cancer in a mammal having a tumor comprising administering systemically to said mammal a live Newcastle Disease Virus in an amount sufficient to cause tumor regression.

337. A method as in claim 332 wherein said Newcastle Disease Virus is strain Mass MK107.

338. A method as in claim 332 wherein said Newcastle Disease Virus is strain 73-T.

339. A method as in claim 332 wherein said administering systemically is administering in multiple doses.

343. A method of treating cancer in a mammal having a tumor comprising administering systemically to said mammal more than one dose of a live Newcastle Disease Virus.

348. A method as in claim 343 wherein said Newcastle Disease Virus is strain Mass MK107.

350. A method as in claim 343 wherein the Newcastle Disease Virus is administered systemically in an amount sufficient to cause tumor regression.

355. A method of treating cancer in a mammal having a tumor comprising administering intravenously to said mammal more than one dose of a live Newcastle Disease Virus in an amount sufficient to cause tumor regression.

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